

REMARKS

Upon entry of the instant Amendment, claims 1-20 will be pending in the application. By this amendment, claims 3, 10, 14-17, 19 and 20 will have been amended and claims 21-24 will have been added. Support for new claims 21-24 is provided in at least lines 7-18 of page 14 of the specification and claim 8 as originally filed. No new matter is added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Allowable Claims

Applicant appreciates the indication that claims 8, 9 and 15 contain allowable subject matter and would be allowable if presented in independent form. However, at this time, claim 8 and 15 are not being presented in independent form because it is believed that claims 1 and 14, from which they depend, are allowable. Additionally, Applicant submits that all pending claims are in condition for allowance for the following reasons.

Applicant also notes that inasmuch as claims 17-20 were not rejected over prior art, Applicant submits that these claims should be indicated to contain allowable subject matter. Moreover, in view of the fact that claim 17 has been amended to resolve the Section 112, second paragraph, rejection, Applicant submits that claims 17-20 should now be indicated to be allowed.

35 U.S.C. § 112, second paragraph, Rejection

Claims 3 and 17-20 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite.

By this Amendment, Applicant submits that each basis of rejection has been addressed and the rejection has therefore been rendered moot.

Applicant notes, in particular, that claim 3 has been amended to provide clear antecedent basis for the at least one feeder. Additionally, claim 17 has been amended consistent with the Examiner's comments in order to even more clearly define the invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of these claims.

35 U.S.C. § 102 Rejection

Claims 1, 2, 4, 6, 7 and 10-14 were rejected under 35 U.S.C. § 102(b) for being allegedly anticipated by U.S. Patent No. 4,244,672 to LUND.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, a single prior art reference must disclose each and every element as set forth in the subject claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that a *prima facie* case of anticipation cannot be established because LUND fails to teach each and every element of the claims.

More particularly, independent claim 1 recites, *inter alia*,

the controller coordinating the loader and the at least one staging area to inject the articles onto the transport system in a delivery point sequence.

Additionally, independent claim 14 recites, *inter alia*,

a buffer which stores the articles received from the inner transport.

Applicant submits that LUND does not disclose, or even suggest, at least these features. Applicant acknowledges, for example, that Fig. 1 of LUND shows a system for sequencing articles such as mail pieces which includes staging areas 16a-16c.

Applicant also acknowledges that LUND discloses what could arguably be called a loader 76 arranged downstream of a buffer 10a, and that the system uses a controller (i.e., computer 84). However, Applicant submits that LUND does not specifically disclose or suggest that the controller coordinates the loader and the at least one staging area to inject the articles onto the transport system in a delivery point sequence.

Applicant notes, for example, that the so-called staging areas 16a-16c merely inject the mail onto primary transport 18 and that it is the buffers 10a-10c which output the mail to the secondary transport 12. Thus, while it is apparent that the buffers 10-10c play a role in sequencing mail on the secondary transport 12, the stations 16a-16c in LUND play no part in sequencing the mail on the secondary transport 12. Nor is there any apparent disclosure in LUND with regard to the controller coordinating both the stations 16a-16c and the so-called loaders 76, 78, 80 of the buffers 10a-10c in order to produce a delivery point sequence on either of the transports 12 or 18.

Applicant also acknowledges, for example, that Fig. 1 of LUND shows what could

arguably be called an inner transport 12 which receives mail pieces from the buffer 10a. However, it is clear that LUND does not specifically disclose that the buffer stores the articles received from the inner transport. To the contrary, Fig. 1 of LUND specifically shows the buffer 10a delivering the mail pieces to the inner transport 12 and not vice versa.

The Examiner is respectfully directed to col. 4, lines 65-68 of LUND, which discloses the following:

The recirculation buffer subsystem 10 comprises a plurality of storage buffers 10a, 10b, 10c which permit carrier accumulation for the purpose of selecting batches to be outputted to the secondary transport 12.

Accordingly, Applicant respectfully submits that independent claims 1 and 14, as well as claims 2, 4, 6, 7 and 10-13, which depend from claim 1 are allowable.

Applicants note, in particular, that LUND also fails to disclose, or even suggest:

- (i) at least one feeder which feeds the articles in random order onto a feed track, the feed track being in flow communication between the at least one feeder and the at least one staging area and feeding the articles from the at least one feeder to each of the at least one staging area (claim 2).
- (ii) that the buffer includes a belt or actuated rollers for storing and transporting the articles from the transport system to the loader; the buffer includes a first end and a second end, the articles entering the buffer at the first end and being transported to the second end; the loader is positioned at the second end to load the articles onto the transport at a location remote from the articles entering the buffer; and the transport system is a plurality of pinch belts (claim 4).
- (iii) further comprising a scanning device for reading destination information on the articles and providing such information to the controller (claim 6).

- (iv) that the scanning device is an optical recognition system or a bar code scanner (claim 7).
- (v) that wherein the controller monitors the location of the articles on the transport system, the buffer and the at least one staging area (claim 10).

Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. § 102(b) should be withdrawn.

35 U.S.C. § 103 Rejection

Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over LUND in view of U.S. Patent No. 5,150,891 to SVYATSKY et al.

The Examiner acknowledges that LUND lacks, among other things, a buffer that stores and transports the articles in a shingled manner. However, the Examiner explains that this feature is taught by SVYATSKY and that it would have been obvious to combine the teachings of these documents. Applicant respectfully submits that a *prima facie* case of obviousness has not been established as the applied references fail to teach each and every element of the claims.

Applicant submits that neither LUND nor SVYATSKY discloses or suggests the combination of features recited in at least independent claims 1 and 14. Applicant also submits that no proper combination of these documents disclose or suggest the combination of features recited in at least claims 1 and 14.

As explained above, LUND lacks any disclosure or suggestion with regard to the controller coordinating the loader and the at least one staging area to inject the articles onto the transport system in a delivery point sequence. LUND also fails to disclose or

suggest that the buffer stores the articles received from the inner transport as recited in claim 14.

Moreover, notwithstanding the fact that SVYATSKY discloses a device for shingling mail pieces, Applicant notes that SVYATSKY merely discloses a device for shingling a vertical stack of mail pieces. SVYATSKY, however, similarly fails to disclose or suggest a controller that coordinates the loader and the at least one staging area to inject the articles onto the transport system in a delivery point sequence as recited in claim 1 and/or a buffer that stores the articles received from an inner transport as recited in claim 14. Nor has the Examiner identified any such disclosure in SVYATSKY.

Accordingly, Applicant submits no proper combination of these documents discloses or suggests the combination of features recited in claims 1 and 14, or the above-noted claims which depend from claims 1 and 14.

Accordingly, Applicant respectfully submits that the above-noted rejection under 35 U.S.C. § 103(a) should be withdrawn.

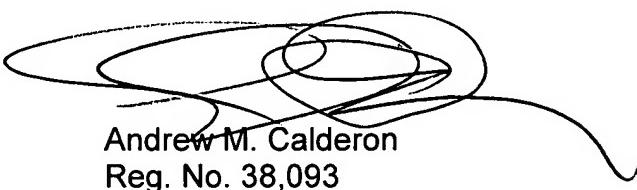
New Claims Are Allowable

Applicant submits that new claims 21-24 are allowable inasmuch as these claims depend from claims which are believed to be allowable over the art of record. Furthermore, these claims recite additional features which are not disclosed or suggested by any proper interpretation and/or combination of the applied documents.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,
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